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December 28, 2020

VIA E.C.F.

Honorable Ronnie Abrams
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

RE: Brian Coleman v. City of New York, et al.,
18-CV-11819 (RA)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney representing the City of New York and New York City Police Department Sergeant Johanny Beissel (collectively, “Defendants”) in the above referenced matter. The parties write to respectfully: (a) propose a new discovery deadline of March 29, 2021; and (b) request the Court’s endorsement of a new Case Management Plan and Scheduling Order, which is attached hereto.

By way of relevant background, on March 17, 2020, the parties submitted a joint application to stay this matter until October 16, 2020. (See Dkt. No. 43.) Specifically, the parties noted that due to the ongoing Coronavirus Pandemic, both parties were considered high risk and susceptible for transmission of the virus and that Sgt. Beissel had a planned leave of absence starting on April 15, 2020, for approximately five months. (See id.) On March 18, 2020, the Court granted the parties’ request. (See Dkt. No. 44.)

On October 26, 2020, the parties, among other things, respectfully requested an additional two month stay of discovery in this action, from October 26, 2020, through December 26, 2020. (See Dkt. No. 49.) In their letter, the parties noted that Sgt. Beissel’s anticipated leave was extended and that she does not anticipate returning until at least March 2021 and that, despite the requested stay, the parties would continue to address outstanding discovery matters. (See id.) On October 27, 2020, the Court granted the parties’ request, staying discovery through December 26, 2020. (See Dkt. No. 50.) Thus, as of today, this case is no longer stayed.

Since October 26, 2020, the parties addressed outstanding discovery matters. Specifically, the Defendants served a deficiency letter on Plaintiff, and the parties’ counsel recently conferred via telephone to address those deficiencies. For example, Plaintiff assured

Defendants that Plaintiff will execute and return signed medical releases to the Defendants within the next two weeks. However, due to the ongoing Coronavirus Pandemic, the parties anticipate that once the Defendants receive the executed medical releases from Plaintiff and request the relevant medical records from the service providers, it may take up to two months to receive the requested records. Because the Defendants require the Plaintiff's medical records before deposing Plaintiff, the Defendants anticipate that they will not be able to depose Plaintiff until March 2021.

In addition, notwithstanding the fact that Sgt. Beissel's anticipated leave has been extended and she does not anticipate returning until at least March 2021, the parties believe that they can still conduct her deposition virtually within the next three months.

Thus, due to these circumstances, the parties respectfully: (a) propose a new discovery deadline of March 29, 2021; and (b) request the Court's endorsement of a new Case Management Plan and Scheduling Order, which is attached hereto.

The parties thank the Court for its consideration.

Respectfully submitted,

/s/ Nicolette Pellegrino

Nicolette Pellegrino
Assistant Corporation Counsel
Special Federal Litigation Division

Encl.

CC: VIA E.C.F.
Gregory William Zenon, Esq.
Attorney for Plaintiff

Application granted. No further
extensions will be granted absent good
cause.

SO ORDERED.



Hon. Ronnie Abrams
December 29, 2020